

### **REMARKS/ARGUMENTS**

Applicants would like to thank the Examiner for the careful consideration given the present application. The application has been carefully reviewed in light of the Office Action, and this amendment is in response thereto.

Claims 1–19 remain in this application.

Claims 1-6, 10-14, and 19 were rejected under 35 U.S.C. §102(a) as being anticipated by *Ali et al.* (U.S. 5,896,411). Claims 7, 9, 15, and 18 are rejected under 35 U.S.C. §103(a) as being unpatentable over *Ali* in view of *Minami et al.* (U.S. 6,587,510); and claims 8 and 16-17 were rejected under *Ali* in view of *Kubo et al.* (U.S. 6,249,682). For the following reasons, the rejections are respectfully traversed.

Claim 1, as amended, recites a “a communication state detector which detects a communication state based on the reception power of a received signal transmitted from the distant station to said apparatus” and a “a transmission power control step range changer which varies the power step amount of a transmission power control step corresponding to the transmission power control bit based on the detected communication state” wherein “said apparatus increases or decreases a transmission power of a transmitted signal to the distant station by the varied power step amount in response to the transmission power control bit received from the distant station.” Claim 10 recites similar limitations. *Ali* does not teach the cited elements of the claims.

By the claim language, it is seen that the apparatus detects the communication state of a received signal and varies the power step amount in response. It then varies a transmission power to a distant station in response to a received power control bit received from the distant station.

In contrast, Ali teaches a base station sends periodic power control bits to a subscriber unit for dynamically changing a power control step size for adjusting signals transmitted by the subscriber units (see col. 3, lines 26-40). Thus, Ali teaches that it is the *base station* that monitors signal states and thus commands the step size change in the *subscriber station* (see col. 3, lines 56-60). There is no teaching that the subscriber station can change a step size based on a detected reception signal state. Instead, it is the base station that commands the power step change by sending control bits. The subscriber station does not need to detect any “communication state based on the reception power of a received signal” as recited in the claim, and there is no such teaching.

In contrast, the invention recites that the apparatus itself detects the communication state, and thus changes the power step size using this information. The claim does not recite any participation by the remote station at all.

Accordingly, the reference does not teach the recited claim limitations, and thus claims 1 and 10 are patentable over the reference. Claims 2-6, depend on claim 1, and claims 11-14, and 19 each depend on claim 10, and thus are patentable for at least the same reasons as the parent claim. Because neither Kubo nor Minami overcome the Ali shortcomings, claims 7, 9, 15, & 18, and claims 8 & 16-17, which depend on one of claims 1 and 10, are also patentable over the references.

Further still, the Examiner has not provided the proper motivation for combining the references. The Examiner merely provides a benefit listed in the second reference as motivation for adding features of that reference to the primary reference, which is not legally sufficient motivation. Accordingly, the rejection for obviousness is not supported by the Office action and thus the rejection is improper, and should be withdrawn.

In consideration of the foregoing analysis, it is respectfully submitted that the present application is in a condition for allowance and notice to that effect is hereby requested. If it is determined that the application is not in a condition for allowance, the Examiner is invited to initiate a telephone interview with the undersigned attorney to expedite prosecution of the present application.

If there are any additional fees resulting from this communication, please charge same to our Deposit Account No. 16-0820, our Order No. 33220.

Respectfully submitted,  
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Date: December 29, 2005